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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,975	03/20/2001	Andrew Silver	P1013(12106RRUS01U)	9994
7590 09/21/2004				
D. SCOTT HEMINGWAY STORM & HEMINGWAY, LLP 8117 PRESTON RD. PRESTON COMMONS WEST SUITE 460 DALLAS, TX 75225			EXAMINER FOX, JAMAL A	
			ART UNIT 2664	PAPER NUMBER
DATE MAILED: 09/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/812,975	Applicant(s) SILVER, ANDREW	
	Examiner Jamal A Fox	Art Unit 2664	✓

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-12, 14-18 and 20-26 is/are rejected.
- 7) ☒ Claim(s) 5-8, 13, 19, 27 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/14/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the line quality is poor and the text is illegible.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 10, 11, 12, 14-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Vatt et al. (U.S. Patent No. 5,543,785).

Referring to claim 1, Vatt et al. discloses a communication system comprising: a first communication network (Fig. 2 ref. sign 208 and respective portions of the spec.) supporting a protocol (RF, col. 3 lines 1-13) for the transmission of simplex communications (page or pages, col. 3 lines 1-35) on the communication system and having a first communication controller (Fig. 2 ref. sign 206 and col. 4 lines 51-56) to support such communications; a first

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communication device (Fig. 2 ref. sign 202 and respective portions of the spec.) operable with the simplex communication protocol (RF, col. 3 lines 1-13) for the transmission of simplex communications on the communication system; and, a second communication device (Fig. 2 ref. sign 102 and respective portions of the spec.) coupled to the first communication device and operable to emulate (represent, col. 4 lines 12-17) simplex communication protocols for the transmission of simplex communications.

Referring to claim 2, Vatt et al. discloses the communication system of Claim 1 wherein the emulation of simplex communications will alternately place the second communication device in a transmit (broadcast mode, col. 20 lines 25-35) mode and a receive mode.

Referring to claim 4, Vatt et al. discloses the communication system of Claim 1 wherein the first communication device initiates a communication by transmitting an address identifier (ID value, col. 2 lines 5-19) for the second communication device to the first communication controller.

Referring to claim 10, Vatt et al. discloses the communication system of Claim 1, further comprising: a presence control routine (routine, col. 9 lines 13-22) to indicate the condition of the second communication device as actively coupled to the communication system.

Referring to claim 11, Vatt et al. discloses the communication system of Claim 10 wherein the presence control routine will allow the first communication device to display status (status, col. 8 lines 50-60) information about the second communication device.

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Referring to claim 12, Vatt et al. discloses the communication system of Claim 11 wherein the status (status, Fig. 4 and respective portions of the spec.) information displayed on a screen of the first communication device includes, text, icons, or a combination thereof.

Referring to claim 14, Vatt et al. discloses a method of communicating on a first communication network comprising the steps of: preparing (initiation, col. 2 lines 8-10) the first communication device to emulate a first communication protocol; accepting a destination address identifier at the first communication device (subscriber, col. 2 lines 9-18); providing the destination address identifier (ID value, col. 2 lines 5-19) to a first controller (database node, col. 2 lines 10-15) on the first communication network to support establishing a communication link to a second communication device addressed by the destination address; preparing (address data is returned, col. 2 lines 13-15) data to be transmitted from the first communication device; and, transmitting (sent, col. 2 lines 15-18) the data to the second communication device identified by the destination address.

Referring to claim 15, Vatt et al. discloses the communication method of claim 14, further comprising the steps of: placing the first communication device in a receive mode (background mode, col. 13 lines 45-50 and col. 14 lines 25-30) after the data transmission is complete.

Referring to claim 16, Vatt et al. discloses the communication method of claim 14, further comprising the steps of: storing (storing, col. 19 lines 5-19)

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transmitted data if the second communication device is not actively connected to the first communication network.

Referring to claim 17, Vatt et al. discloses the communication system of Claim 14, further comprising the steps of: executing a presence routine (routine, col. 9 lines 13-22) to indicate the condition of the second communication device as actively coupled to the first communication network.

Referring to claim 18, Vatt et al. discloses the communication method of claim 17, further comprising the steps of: storing (storing, col. 19 lines 5-19) transmitted data if the second communication device is not actively connected to the first communication network.

Referring to claim 20, Vatt et al. discloses the communication method of claim 14, further comprising the steps of: displaying on the first communication device the connection status (status, Fig. 4 and respective portions of the spec.) of the second communication device.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 4, 14 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Colwell et al. (U.S. Patent No. 5,978,654).

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Referring to claim 1, Colwell et al. discloses a communication system comprising: a first communication network (Fig. 7 and respective portions of the spec.) supporting a protocol for the transmission of simplex communications (alphanumeric message, col. 12 lines 1-17) on the communication system and having a first communication controller (Fig. 7, AEDP and col. 12 lines 1-17) to support such communications; a first communication device (Fig. 7 ref. sign 50 and respective portions of the spec.) operable with the simplex communication protocol (TAP, col. 11 line 59 – col. 12 line 17) for the transmission of simplex communications on the communication system; and, a second communication device (Fig. 7 ref. sign 54 and col. 12 lines 9-17) coupled to the first communication device, but does not explicitly teach of being operable to emulate simplex communication protocols for the transmission of simplex communications. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included being operable to emulate simplex communication protocols for the transmission of simplex communications because the gateway is a **modem capable** device that transmits simplex communications protocols to the terminal of the paging system (see col. 12 lines 9-17).

Referring to claim 3, Colwell et al. discloses the communication system of claim 1 wherein the emulation of simplex communications supports the transmission of data packets (packet, col. 3 lines 55-57).

Referring to claim 4, Colwell et al. discloses the communication system of Claim 1 wherein the first communication device initiates a communication by

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transmitting an address identifier (USER-ID, col. 10 lines 1-10) for the second communication device to the first communication controller.

Referring to claim 14, Colwell et al. discloses a method of communicating on a first communication network comprising the steps of: preparing (prepare, col. 9 lines 55-50) the first communication device to emulate a first communication protocol; accepting a destination address identifier at the first communication device (USER-ID, col. 10 lines 1-10); providing (CHECK-SUM, col. 10 lines 1-18) the destination address identifier to a first controller on the first communication network to support establishing a communication link to a second communication device addressed by the destination address; preparing (If the user is authorized, col. 10 lines 5-10) data to be transmitted from the first communication device; and, transmitting (sends, col. 10 lines 5-10) the data to the second communication device identified by the destination address.

Referring to claim 16, Colwell et al. discloses the communication method of claim 14, further comprising the steps of: storing (storing, col. 17 lines 54-63) transmitted data if the second communication device is not actively connected to the first communication network.

6. Claims 1, 2, 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colwell et al. (U.S. Patent No. 5,809,425).

Referring to claim 1, Colwell et al. discloses a communication system comprising: a first communication network (Fig. 7 and respective portions of the spec.) supporting a protocol for the transmission of simplex communications (paging, col. 11 line 46 – col. 12 line 38) on the communication system and

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having a first communication controller (Fig. 7, LCP Device and col. 11 line 46 – col. 12 line 38) to support such communications; a first communication device (Fig. 7, Computer and col. 11 line 46 – col. 12 line 38) operable with the simplex communication protocol (Fig. 7, TAP and col. 11 line 46 – col. 12 line 38) for the transmission of simplex communications on the communication system; and, a second communication device (Fig. 7, Gateway and col. 11 line 46 – col. 12 line 38) coupled to the first communication device, but does not explicitly teach of being operable to emulate simplex communication protocols for the transmission of simplex communications. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included being operable to emulate simplex communication protocols for the transmission of simplex communications because the gateway is a **modem capable** device that transmits simplex communications protocols to the terminal of the paging system (see col. 11 lines 55-65).

Referring to claim 2, Colwell et al. discloses the communication system of Claim 1 wherein the emulation of simplex communications will alternately place the second communication device in a transmit mode (entry mode, col. 15 lines 55-60) and a receive mode (rest mode, col. 15 lines 54-60).

Referring to claim 3, Colwell et al. discloses the communication system of claim 1 wherein the emulation of simplex communications supports the transmission of data packets (packet, col. 8 lines 10-15).

Referring to claim 9, Colwell et al. discloses the communication system of claim 1 wherein the first communication device is placed in a receive mode (rest

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mode, col. 15 lines 54-60) to receive data packets after transmitting a simplex communication.

7. Claims 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morningstar.

Referring to claim 21, Morningstar discloses a communication device for transmission of messages using a first type of communication protocol comprising: an initiation program (inherent, because the device has to start from an initial point) for initializing the first communication device for use on a first communication network; an address identifier data input (Fig. 1, ref. sign 11 and respective portions of the spec.) on the first communication device operable to receive a destination address for a second communication device; a microphone (Fig. 1 ref. sign 12 and col. 3 lines 9-30) receiver and speaker (Fig. 1 ref. sign 32 and col. 4 lines 20-22) on the first communication device; a transmit message switch (switch, col. 4 lines 5-10) on the first communication device operable to transmit a data communication to the second communication device, and, a transmitter (Fig. 1, TX/RX interface 27 and col. 4 lines 1-12) operable to transmit address and data communication from the first communication device to the second communication device using the first type of communication protocol, but does not explicitly teach of an emulation program executed on the first communication device for supporting emulated communications according to the first type of communication protocol. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included an emulation program executed on the first communication device for

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supporting emulated communications according to the first type of communication protocol because a program code is executed to control the overall operation of the communication device, including receiving and transmitting control information with the communication system (col. 3 lines 5-8). Furthermore, the microphone signal is an emulation of the user's voice as suggested by (col. 3 lines 9-15).

Referring to claim 22, Morningstar discloses the communication device of Claim 21, further comprising: a receiver (receiver, col. 1 lines 27-31 and col. 4 lines 5-10) on the first communication device to receive messages addressed to the first communication device.

Referring to claim 23, Morningstar discloses the communication device of claim 21, wherein the first communication device transmits (transmitting, col. 3 lines 5-8) data communications to the second communication device identified at the destination address.

Referring to claim 24, Morningstar discloses the communication device of claim 21, wherein the first communication device transmits (transmitting, col. 3 lines 5-8) data communications when in a transmit mode.

Referring to claim 25, Morningstar discloses the communication device of claim 21, wherein the first communication device receives data communications when in a receive (receiving, col. 3 lines 5-8) mode.

Referring to claim 26, Morningstar discloses the communication device of claim 21, wherein the first communication device is coupled to a first

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communication controller (controller 11, Fig. 1 and respective portions of the spec.) on a first communication network.

Allowable Subject Matter

8. Claims 5-8, 13, 19, 27 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-3988, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (571) 272-3143. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The

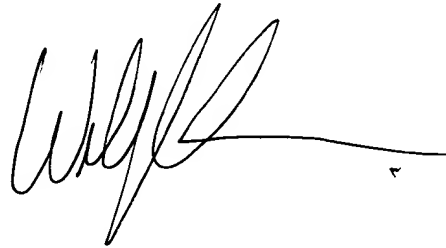
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fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

A handwritten signature in cursive script, appearing to read "Jamal A. Fox".

Jamal A. Fox

A handwritten signature in cursive script, appearing to read "W. J. Fox".